IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAVANNAH LICENSING, LLC,	)	
Plaintiff,	)	
	)	**Civil Action No.**
v.	)	
	)	
INSTAGRAM, LLC	)	**JURY TRIAL DEMANDED**
Defendant.	)	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Savannah Licensing, LLC ("Savannah") files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent Nos. 8,680,992 ("the '992 patent") and 9,454,777 ("the '777 patent") (referred to as the "Patents-in-Suit") by Instagram, LLC ("Instagram").

I. THE PARTIES

1. Plaintiff Savannah is a Texas Limited Liability Company with its principal place of business located at 9901 Brodie Lane, Suite 160 PMB925, Austin, TX 78748.

2. On information and belief, Instagram is a corporation organized and existing under the laws of the state of Delaware, with a principal place of business located at 1 Hacker Way, Menlo Park, CA 94025. On information and belief, Instagram sells and offers to sell products and services throughout Delaware, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Delaware and this judicial district. Instagram can be served with process at its registered agent, CORPORATION SERVICE COMPANY, 251 LITTLE FALLS DRIVE, Wilmington, DE 19808, or anywhere else it may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Delaware and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Delaware and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Delaware and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and is incorporated in Delaware. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware and this District.

III. INFRINGEMENT

A. Infringement of the '992 Patent

6. On March 25, 2014, U.S. Patent No. 8,860,992 ("the '992 patent", included as an attachment and part of this Complaint) entitled "Measuring and Improving the Quality of a User Experience" was duly and legally issued by the U.S. Patent and Trademark Office. Savannah owns the '992 patent by assignment.

7. The '992 patent provide an apparatus and associated systems and methods for improving a user's experience.

8. Instagram designs, manufactures, markets and sells systems and processes for providing user feedback from a device, that infringe one or more claims of the '992 patent, including one or more of claims 1-29, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '992 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

10. US8680992	Instagram ("The accused instrumentality")
1. A method for providing feedback from a device, the method comprising:	The accused instrumentality practices a method for providing feedback from a device (e.g., a smartphone enabled with the accused instrumentality).

Instagram

Instagram Social

Teen

Contains Ads · Offers in-app purchases

Add to Wishlist

https://play.google.com/store/apps/details?id=com.instagram.android&hl=en_US&gl=US

How do I report a technical problem on Instagram?

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If you notice that something on Instagram isn't working correctly, such as a broken feature or a technical problem, try updating the app. If it's still not working after updating, you can report it to us.

Make sure that you include as much detail about the problem as possible in your report. Information such as the kind of phone or tablet you were using, what you were doing when the problem occurred and adding a screenshot may help us address the issue.

Shake your phone reporting — Indicating a level

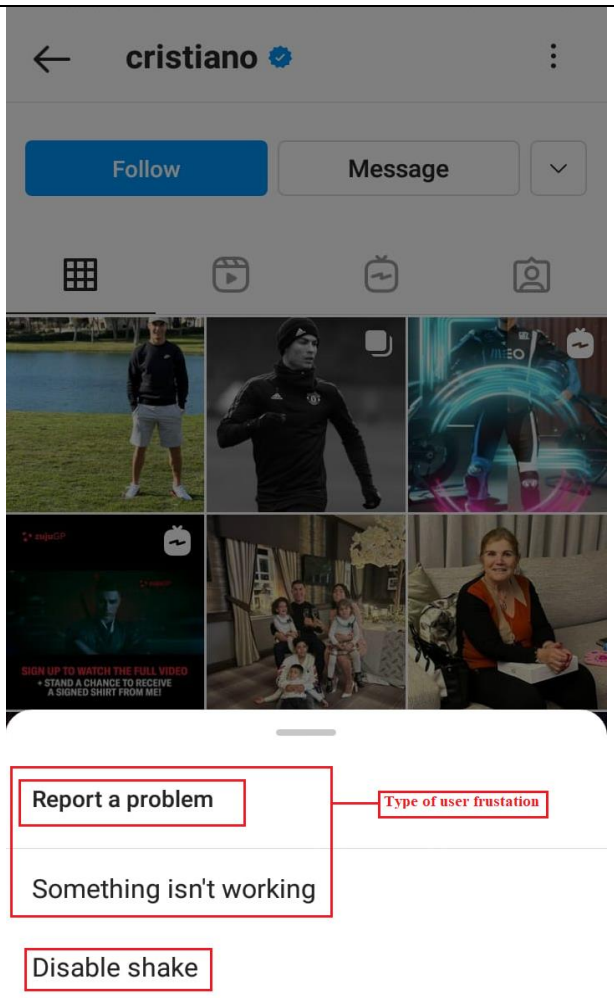
From the Instagram app:

1. Shake your phone to see the reporting menu. — Type of user frustation
2. Tap **Report a problem**, then follow the on-screen instructions.

To turn shake your phone reporting on or off:

1. Shake your phone to see the reporting menu.
2. Tap next to **Shake phone to report a problem** to turn shake your phone reporting on or off.

https://help.instagram.com/381579045265733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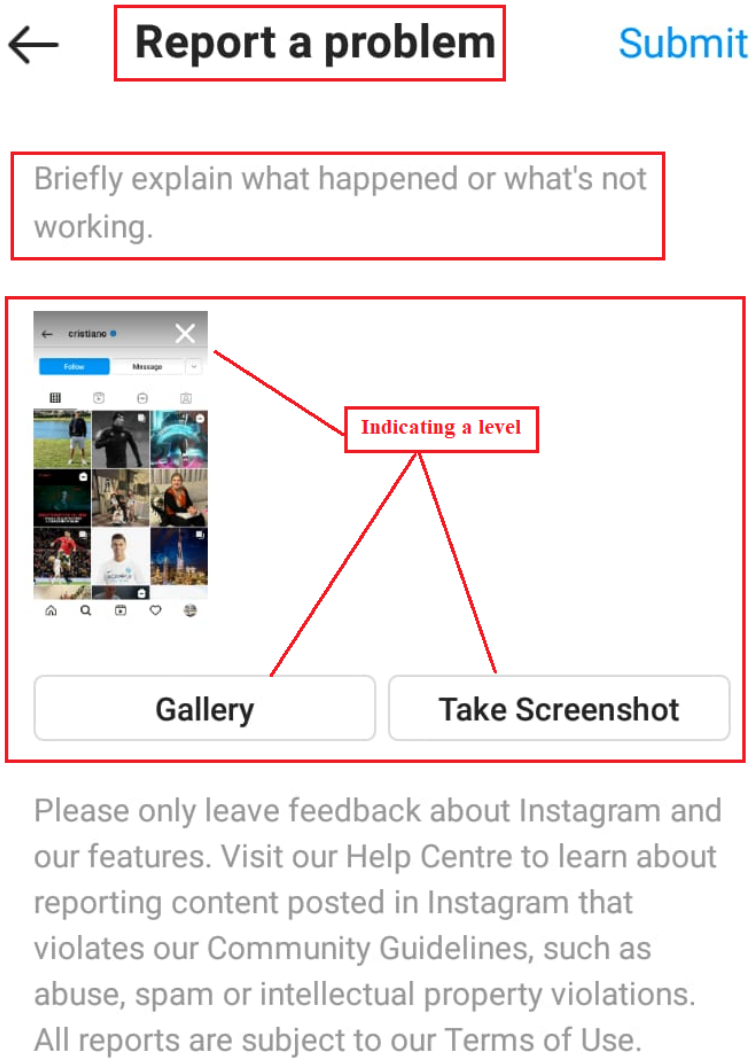
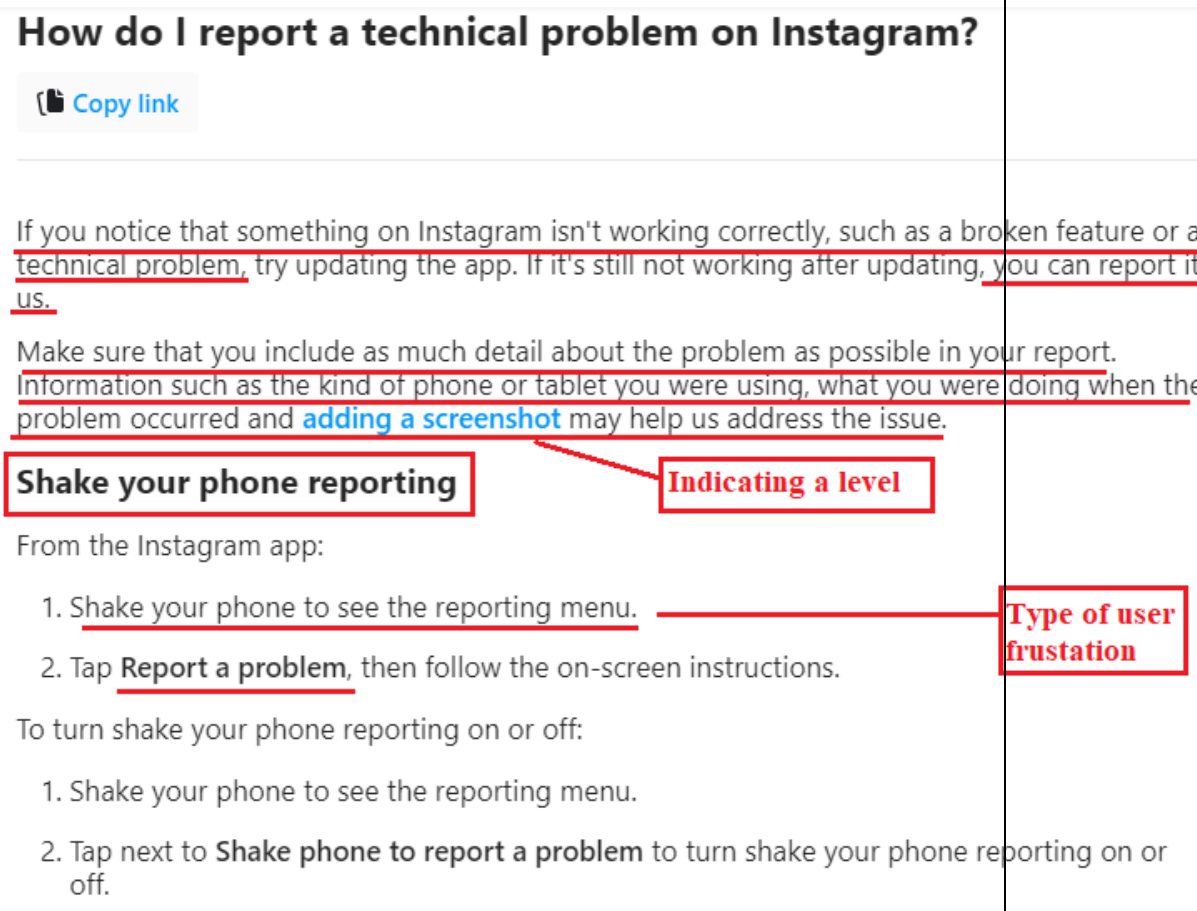
	
detecting a user frustration event;	The accused instrumentality practices a method of detecting a user frustration event (e.g., detecting shaking of a smartphone enabled with the accused instrumentality). As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets

detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other addition information, etc. The user can send this message to the server of the accused instrumentality.



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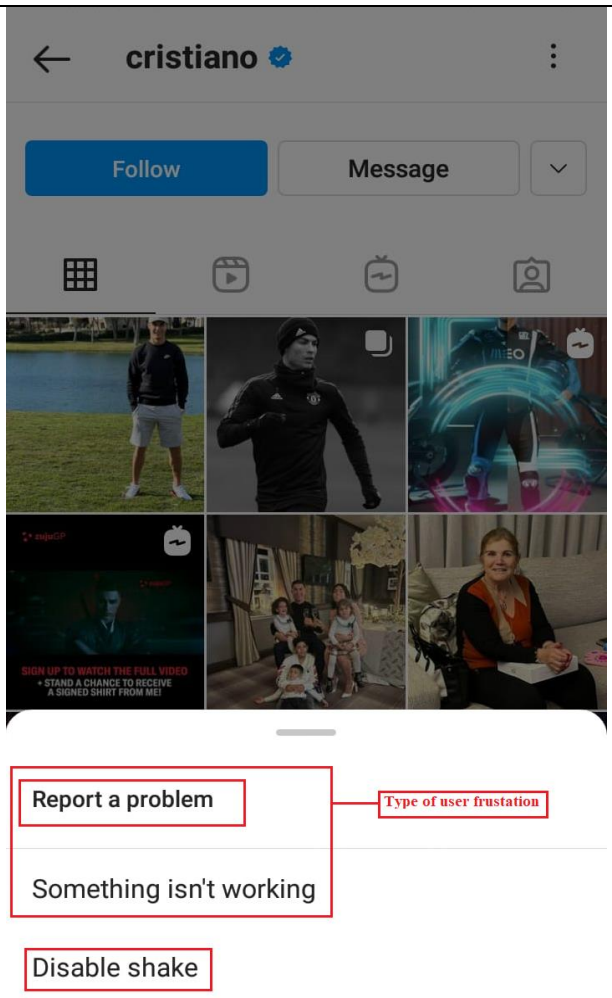
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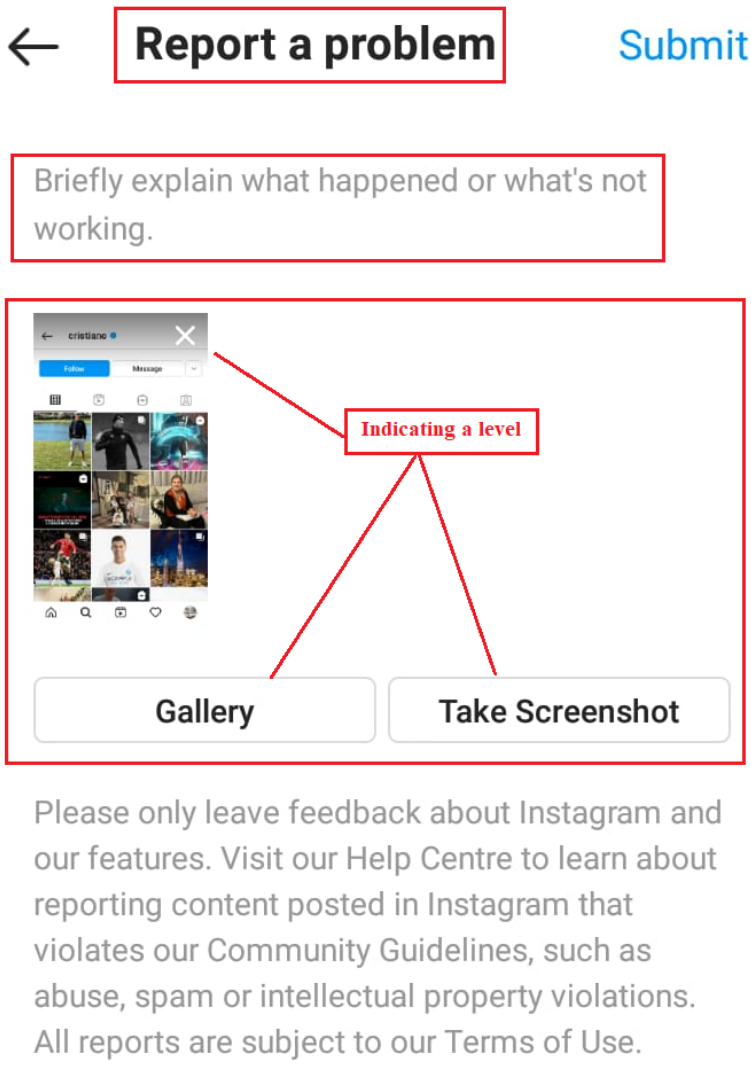
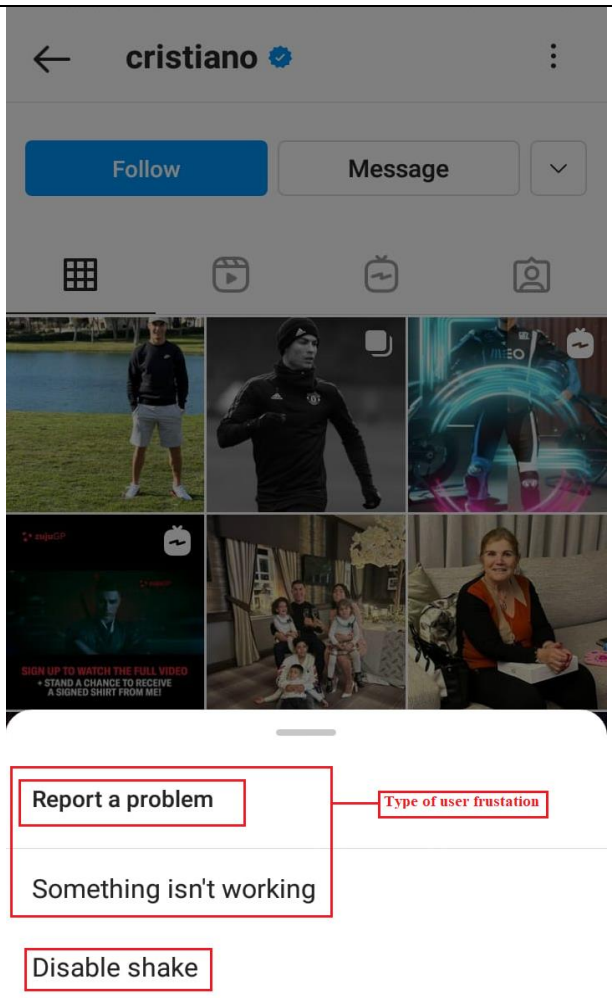
	
associating the user frustration event with a device event that includes an active operation of the device at	The accused instrumentality practices a method of associating the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) with a device event (e.g., selecting feedback on a pop-up message) that includes an active operation of the device (e.g., active operation of the accused instrumentality) at a time when the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) occurred.

a time when the user frustration event occurred;	As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other addition information, etc. The user can send this message to the server of the accused instrumentality. **How do I report a technical problem on Instagram?** Copy link If you notice that something on Instagram isn't working correctly, such as a broken feature or a technical problem, try updating the app. If it's still not working after updating, you can report it to us. Make sure that you include as much detail about the problem as possible in your report. Information such as the kind of phone or tablet you were using, what you were doing when the problem occurred and adding a screenshot may help us address the issue. **Shake your phone reporting** — Indicating a level From the Instagram app: 1. Shake your phone to see the reporting menu. — Type of user frustation 2. Tap **Report a problem**, then follow the on-screen instructions. To turn shake your phone reporting on or off: 1. Shake your phone to see the reporting menu. 2. Tap next to **Shake phone to report a problem** to turn shake your phone reporting on or off. https://help.instagram.com/381579045265733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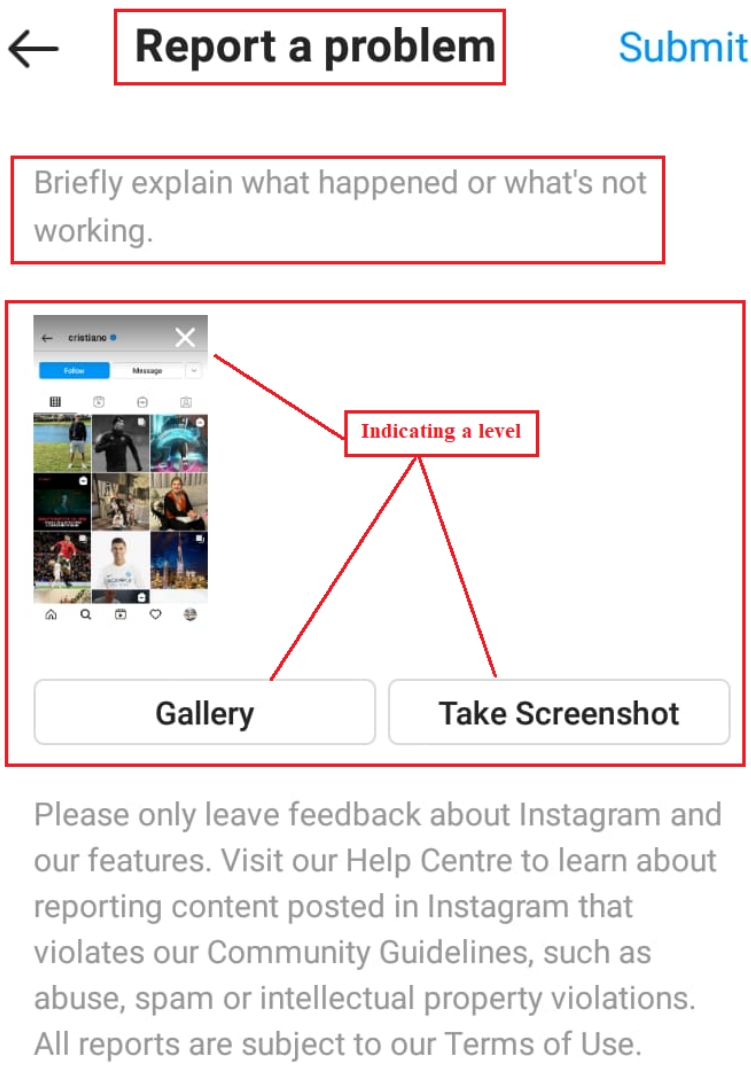
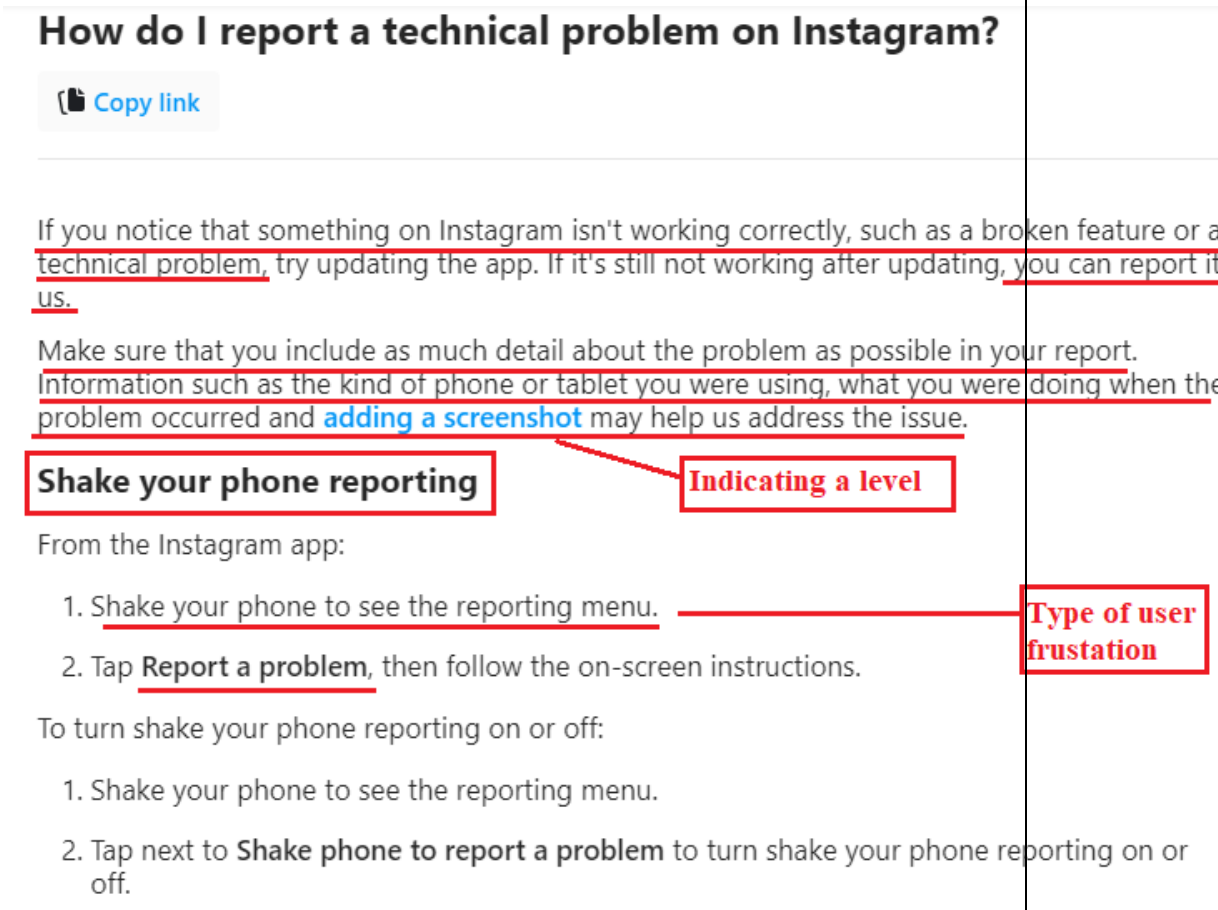
	
forming an event package based at least in part on the user frustration event and the device event	The accused instrumentality practices a method of forming an event package (e.g., a feedback message) based at least in part on the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) and the device event (e.g., selecting feedback on a pop-up message) that includes information indicating a level, a type of user frustration, and information related to routing (e.g., IP address of the server of the accused instrumentality) the event package (e.g., a feedback message) through a network (e.g., Internet).

that includes information indicating a level, a type of user frustration, and information related to routing the event package through a network; and	As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other addition information, etc. The user can send this message to the server of the accused instrumentality.



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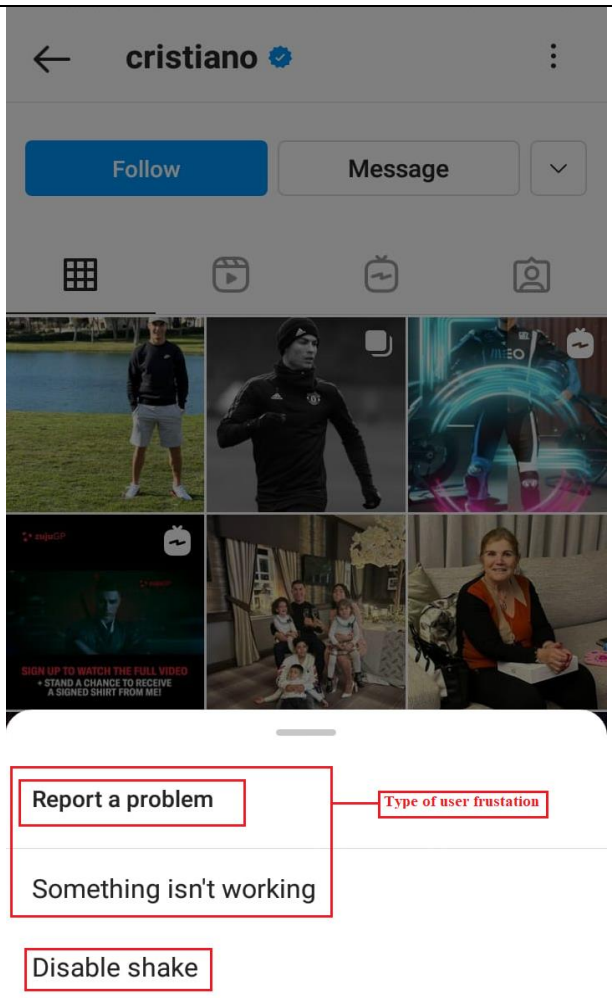
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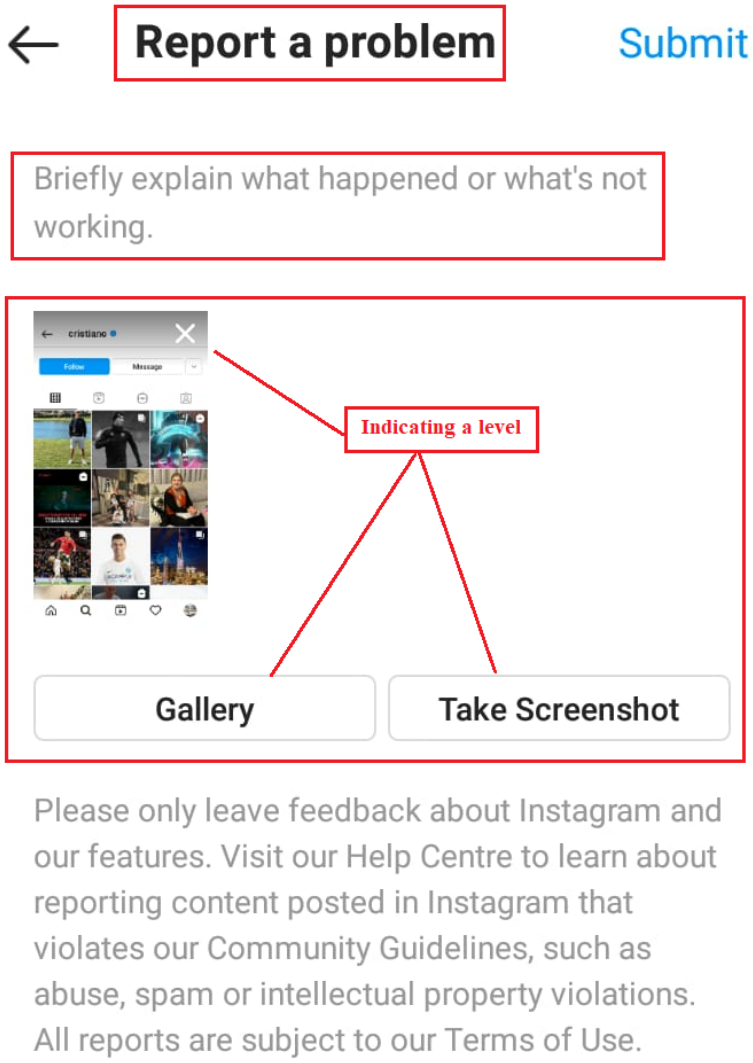
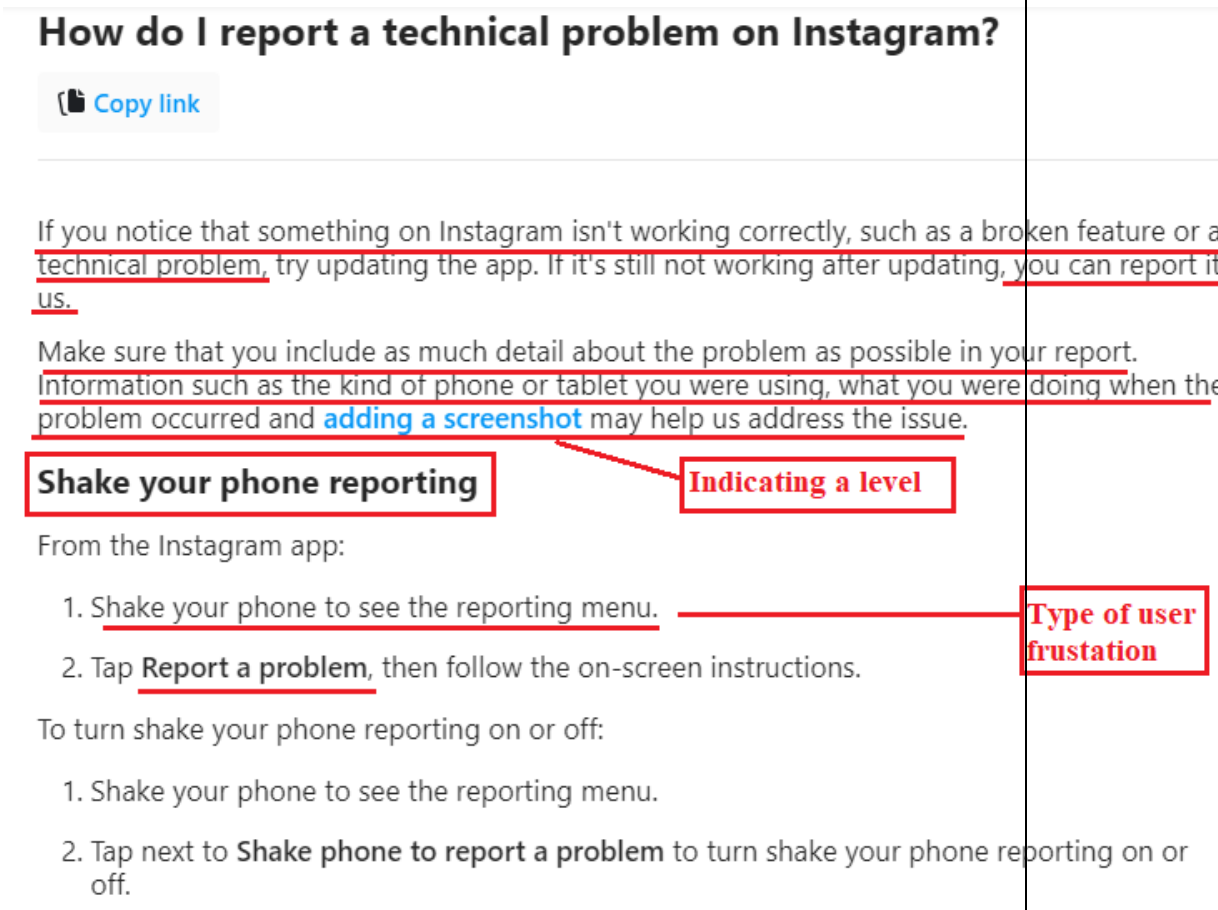
	
transmitting the event package.	The accused instrumentality practices transmitting the event package (e.g., sending of feedback message). As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it

	generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other addition information, etc. The user can send this message to the server of the accused instrumentality.



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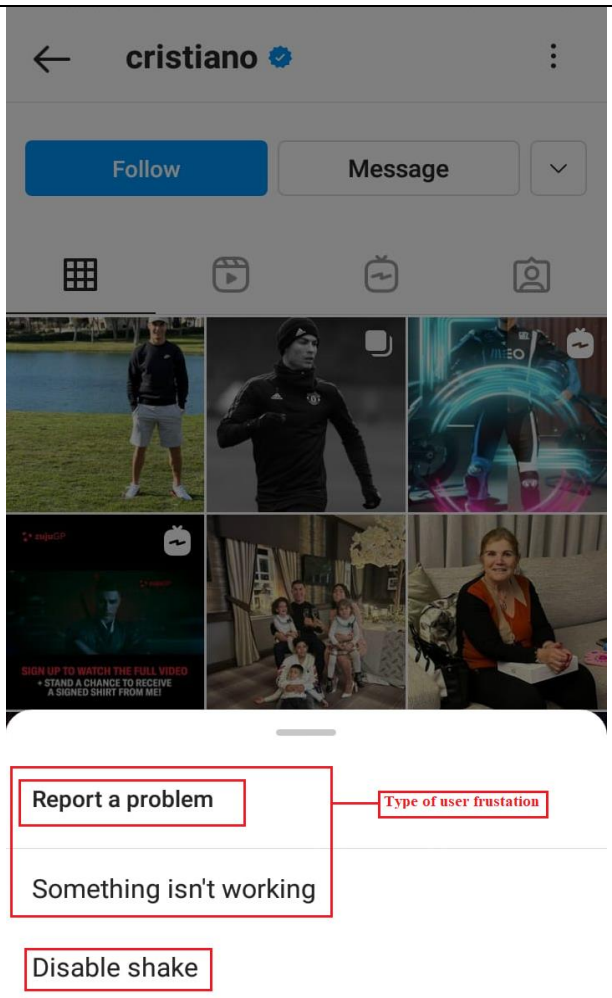
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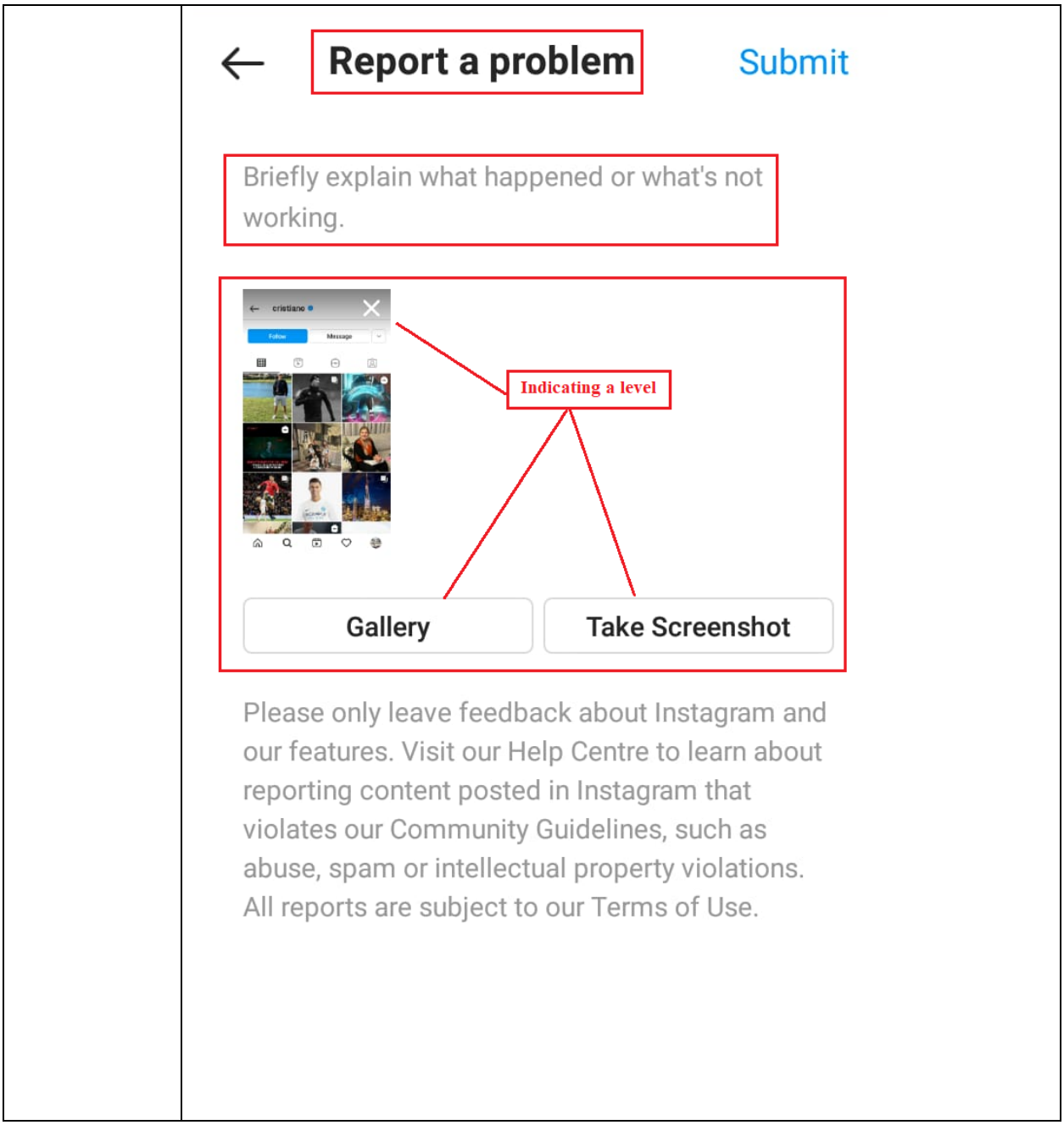

11. These allegations of infringement are preliminary and are therefore subject to change. For instance, there are other of Defendant's products that infringe.

12. Instagram has and continues to induce infringement. Instagram has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., systems and processes for providing user

feedback) such as to cause infringement of one or more of claims 1–29 of the '992 patent, literally or under the doctrine of equivalents. Moreover, Instagram has known of the '992 patent and the technology underlying it from at least the filing date of the lawsuit.[1] For clarity, direct infringement is previously alleged in this complaint.

13. Instagram has and continues to contributorily infringe. Instagram has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., systems and processes for providing user feedback) such as to cause infringement of one or more of claims 1–29 of the '992 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant's products and services. Moreover, Instagram has known of the '992 patent and the technology underlying it from at least the filing date of the lawsuit.[2] For clarity, direct infringement is previously alleged in this complaint.

14. Instagram has caused and will continue to cause Savannah damage by direct and indirect infringement of (including inducing infringement of) the claims of the '992 patent.

B. Infringement of the '777 Patent

15. On September 27, 2017, U.S. Patent No. 9,454,777 ("the '777 patent", included as an attachment and part of this Complaint) entitled "Measuring and Improving the Quality of a User Experience Upon Receiving a Frustration Event Package" was duly and legally issued by the U.S. Patent and Trademark Office. Savannah owns the '777 patent by assignment.

16. The '777 patent provide an apparatus and associated systems and methods for improving a user's experience.

[1] Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.
[2] Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

17. Instagram designs, manufactures, markets and sells systems and processes for providing user feedback from a device, that infringe one or more claims of the '777 patent, including one or more of claims 1-10, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '777 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it. Support for the allegations of infringement may be found in the following preliminary table:

US9454777	Instagram ("The accused instrumentality")
1. A method to use feedback in a system implemented by a computing device, comprising:	The accused instrumentality practices a method to use feedback in a system implemented by a computing device (e.g., a server of the accused instrumentality).

https://play.google.com/store/apps/details?id=com.instagram.android&hl=en_US&gl=US

How do I report a technical problem on Instagram?

Copy link

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Shake your phone reporting

Indicating a level

From the Instagram app:

1. Shake your phone to see the reporting menu.
2. Tap **Report a problem**, then follow the on-screen instructions.

Type of user frustation

To turn shake your phone reporting on or off:

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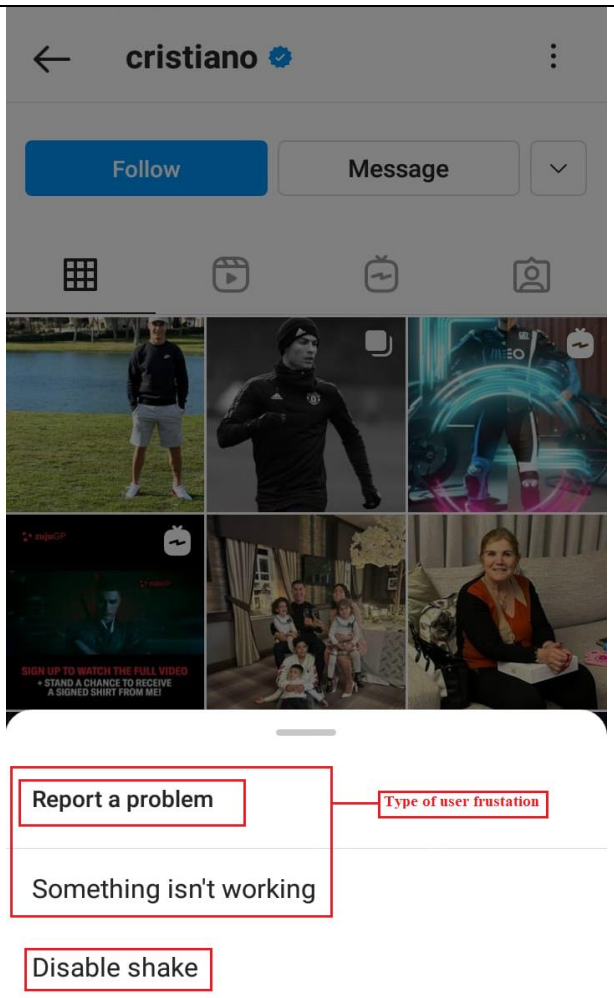
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	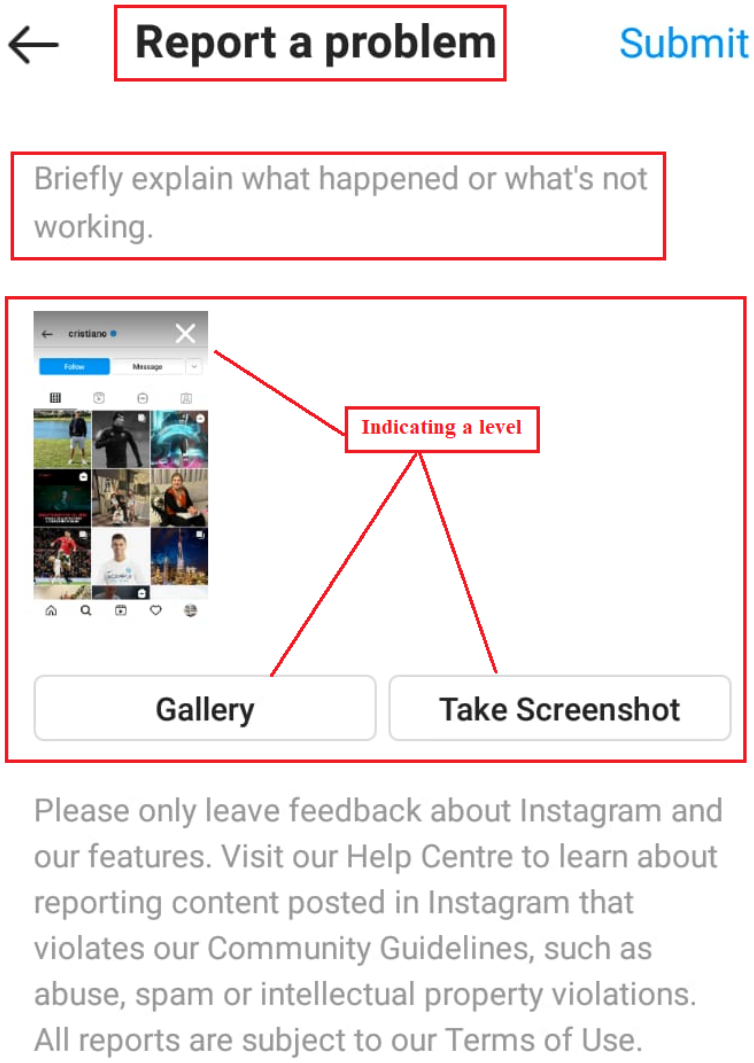
receiving, by the computing device, a frustration event package comprising a user	The accused instrumentality practices receiving, by the computing device (e.g., a server of the accused instrumentality), a frustration event package (e.g., a feedback message from a user of a smartphone enabled with the accused instrumentality) comprising a user frustration event indicator (e.g., an indicator which designates that the received message is a feedback message) and an associated event indicator (e.g., an indicator to show attachments such as text, image, etc. with the feedback message) that indicates a level and a type of user frustration associated with a user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality), wherein the user frustration event

frustration event indicator and an associated event indicator that indicates a level and a type of user frustration associated with a user frustration event, wherein the user frustration event is associated with a device event that includes an active operation of a device at a time when the user frustration event occurred;	(e.g., shaking a smartphone enabled with the accused instrumentality) is associated with a device event (e.g., selecting feedback on a pop-up message) that includes an active operation of a device (e.g., active operation of the accused instrumentality) at a time when the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) occurred. As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other addition information, etc. The user can send this message to the server of the accused instrumentality. Upon information and belief, the server of the accused instrumentality receives the frustration event package comprising a user frustration event indicator and an associated event indicator that indicates a level and a type of user frustration associated with a user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality), wherein the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) is associated with a device event (e.g., selecting feedback on a pop-up message) that includes an active operation of a device (e.g., active operation of the accused instrumentality) at a time when the user frustration event (e.g., shaking a smartphone enabled with the accused instrumentality) occurred.

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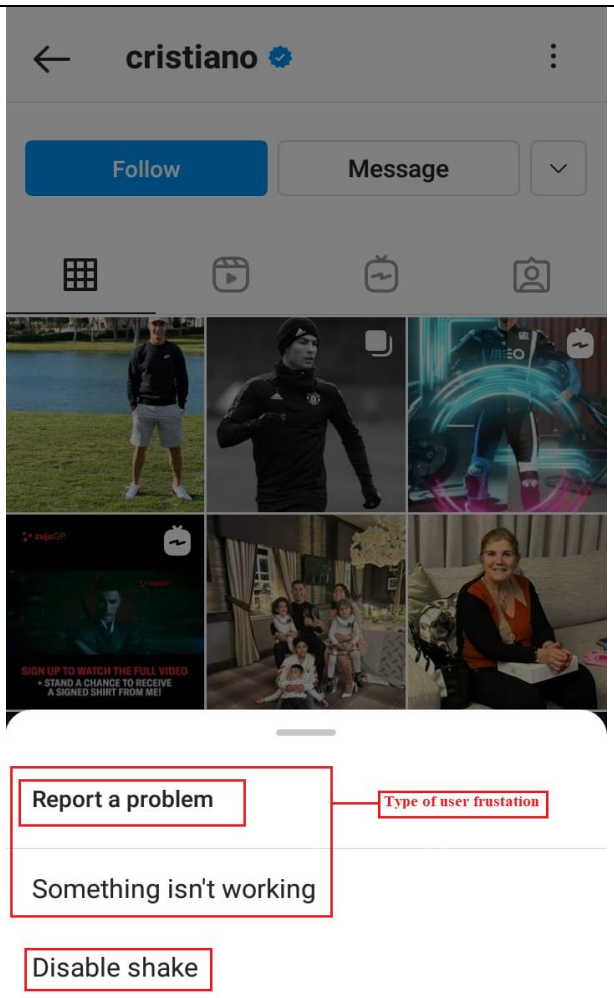
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	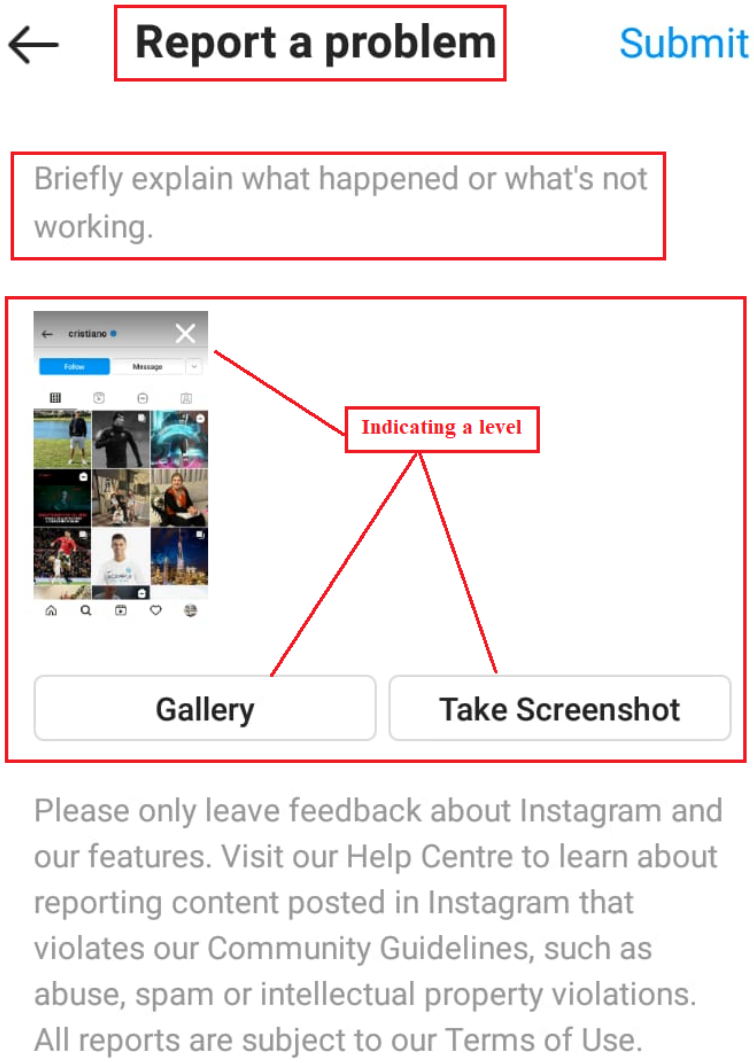
determining, by the computing device, feedback based at least in part on the user	The accused instrumentality practices a method of determining, by the computing device (e.g., a server of the accused instrumentality), feedback based at least in part on the user frustration event indicator (e.g., an indicator which designates that the received message is a feedback message) and the associated event indicator (e.g., an indicator to show attachments such as text, image, etc. with the feedback message).

frustration event indicator and the associated event indicator; and	As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other additional information, etc. The user can send this message to the server of the accused instrumentality.

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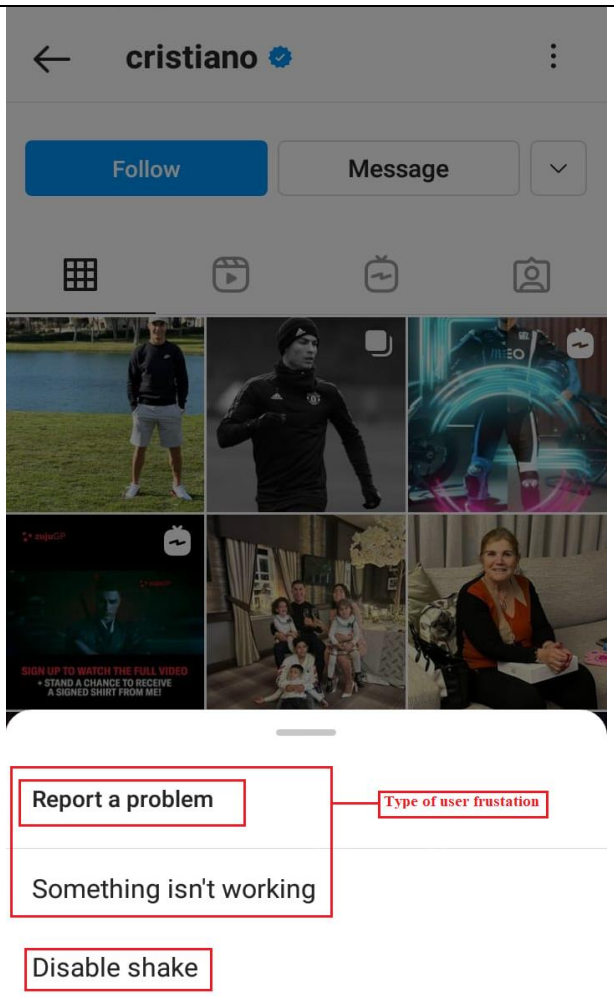
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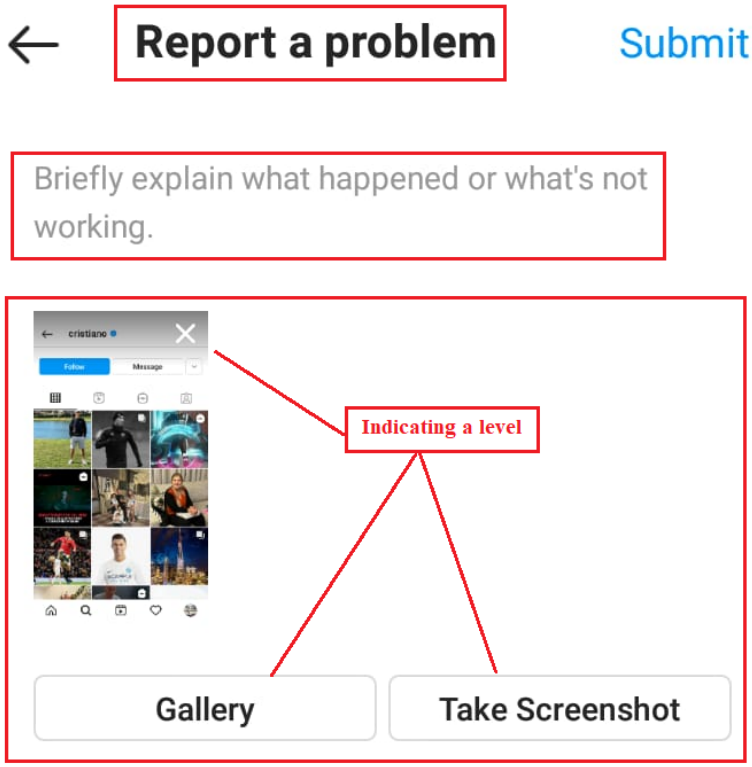
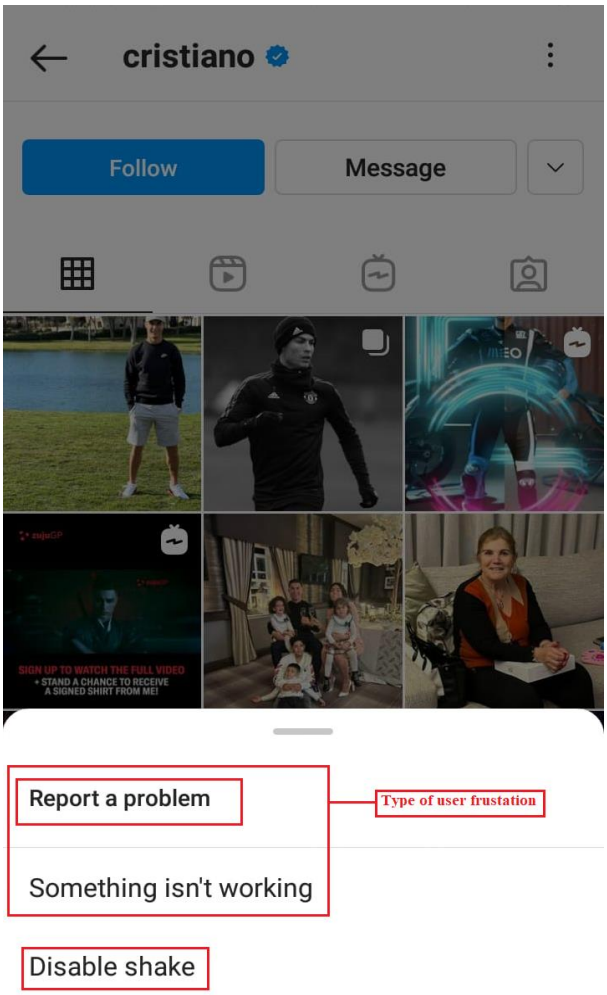
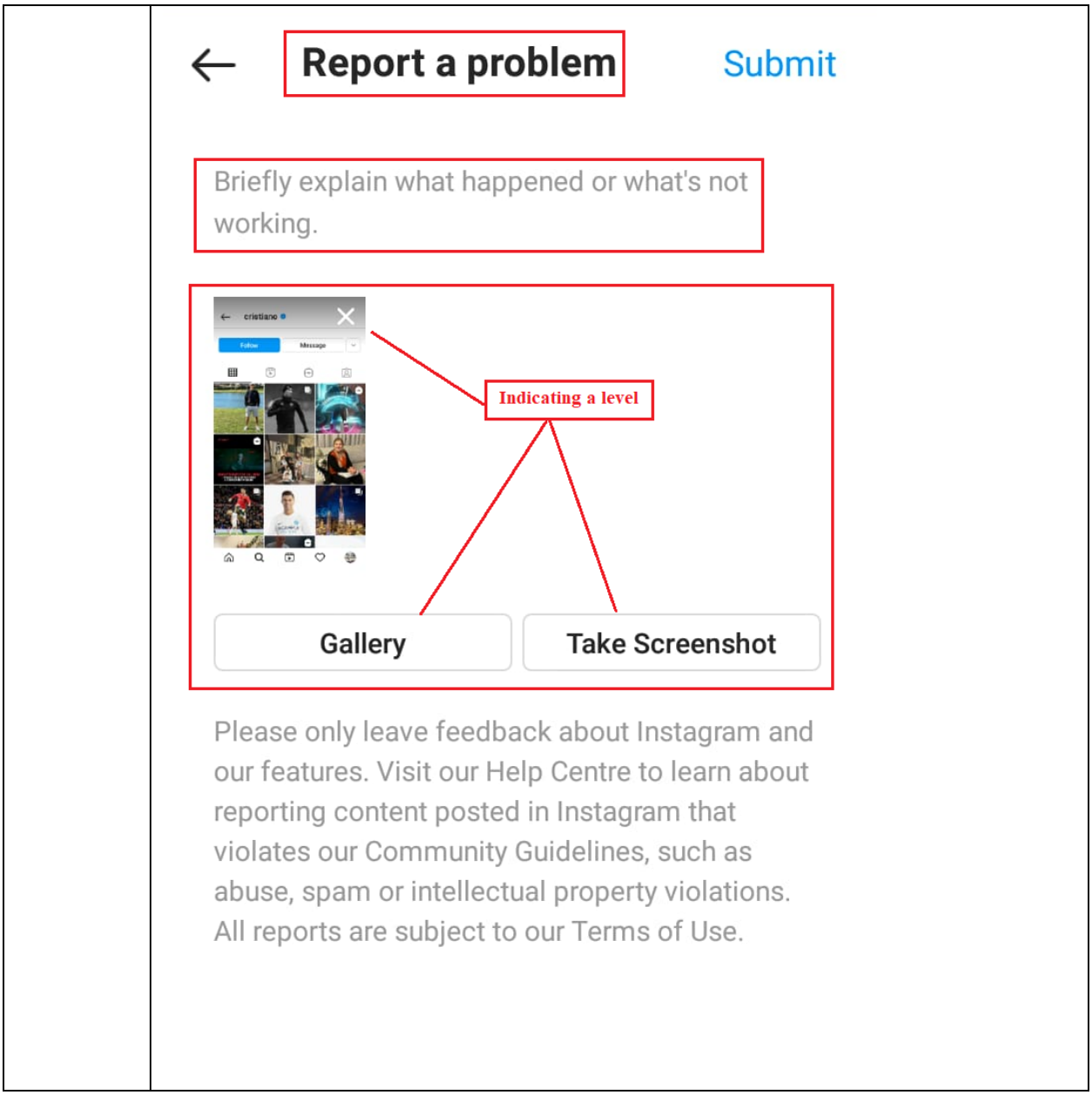

Report a problem
Submit
Briefly explain what happened or what's not working.
Indicating a level
Gallery
Take Screenshot
Please only leave feedback about Instagram and our features. Visit our Help Centre to learn about reporting content posted in Instagram that violates our Community Guidelines, such as abuse, spam or intellectual property violations. All reports are subject to our Terms of Use.

implementing, by the computing device, a network action based on the determined feedback.	The accused instrumentality practices a method of implementing, by the computing device (e.g., a server of the accused instrumentality), a network action (e.g., notify the respective team of the accused instrumentality regarding the feedback message) based on the determined feedback. As shown below, when an issue, which incites user frustration, occurred at the interface of the accused instrumentality while using it, the user can provide feedback about the issue. The accused instrumentality provides a feature, shake the device, in order to provide the feedback. The shaking action gets detected by the accused instrumentality through the user device and it generates a pop-up option to select for sending the feedback. When the user selects a feedback message to be sent at the pop-up option, the accused instrumentality generates a feedback message package which includes information regarding the issue such as screenshots of the app to show where issue occurred, text, other additional information, etc. The user can send this message to the server of the accused instrumentality. **How do I report a technical problem on Instagram?** Copy link If you notice that something on Instagram isn't working correctly, such as a broken feature or a technical problem, try updating the app. If it's still not working after updating, you can report it to us. Make sure that you include as much detail about the problem as possible in your report. Information such as the kind of phone or tablet you were using, what you were doing when the problem occurred and adding a screenshot may help us address the issue. **Shake your phone reporting** — Indicating a level From the Instagram app: 1. Shake your phone to see the reporting menu. — Type of user frustation 2. Tap **Report a problem**, then follow the on-screen instructions. To turn shake your phone reporting on or off: 1. Shake your phone to see the reporting menu. 2. Tap next to **Shake phone to report a problem** to turn shake your phone reporting on or off. https://help.instagram.com/381579045265733


cristiano
Follow
Message
SIGN UP TO WATCH THE FULL VIDEO
+ STAND A CHANCE TO RECEIVE
A SIGNED SHIRT FROM ME!
Report a problem
Type of user frustation
Something isn't working
Disable shake



18. These allegations of infringement are preliminary and are therefore subject to change. For instance, there are other of Defendant's products that infringe.

19. Instagram has and continues to induce infringement. Instagram has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., systems and processes for providing user

feedback) such as to cause infringement of one or more of claims 1–10 of the '777 patent, literally or under the doctrine of equivalents. Moreover, Instagram has known of the '777 patent and the technology underlying it from at least the filing date of the lawsuit.[3] For clarity, direct infringement is previously alleged in this complaint.

20. Instagram has and continues to contributorily infringe. Instagram has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., systems and processes for providing user feedback) such as to cause infringement of one or more of claims 1–10 of the '777 patent, literally or under the doctrine of equivalents. Further, there are no substantial noninfringing uses for Defendant's products and services. Moreover, Instagram has known of the '777 patent and the technology underlying it from at least the filing date of the lawsuit.[4] For clarity, direct infringement is previously alleged in this complaint.

21. Instagram has caused and will continue to cause Savannah damage by direct and indirect infringement of (including inducing infringement of) the claims of the '777 patent.

IV. JURY DEMAND

Savannah hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, Savannah prays for relief as follows:

a. enter judgment that Defendant has infringed the claims of the Patents-in-Suit;

b. award Savannah damages in an amount sufficient to compensate it for Defendant's infringement of the Patents-in-Suit in an amount no less than a reasonable royalty or lost

[3] Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.
[4] Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

c. award Savannah an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Savannah its attorneys' fees, expenses, and costs incurred in this action;

e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award Savannah such other and further relief as this Court deems just and proper.

DATED: January 31, 2022

Respectfully submitted,

Chong Law Firm PA

/s/ Jimmy Chong

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